

## **REMARKS**

This responds to the Office Action mailed February 20, 2009. Claims 3, 5, 9-13, 15-24, 28-31, 34 and 35 are pending in the application. Claims 12, 13, 15-24 and 28-31 are withdrawn from consideration.

Applicants have canceled claims 1, 2, 4, 6-8, 14, 25-27 and 32-33. Claims 12, 13, 15-24, and 28-29 have been withdrawn. Accordingly, claims 3, 5, 9-11, and 34-35 are pending for Examination. Amendments are made herein to claims 3, 5, 9, 11, 29 and 34-35. Support for the amendments is found through out the specification. No new matter has been added.

The foregoing amendments are not a disclaimer of the previously claimed subject matter and are not an acquiescence in the correctness of the outstanding rejections.

### ***I. Rejection under 35 USC 112***

Claims 3, 5, 9-11, 34 and 35 stand rejected under 35 U.S.C. 112, first paragraph because the Examiner alleges that the specification does not reasonably provide enablement for making/using "solvate." In response, applicants have amended claims 3, 5, 9, 11, 29, and 34-35 to delete the term "solvates."

Claims 3, 5, 9-11, 34 and 35 stand rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite because the Examiner holds that the term "derivative" renders the claims indefinite because the metes and bounds cannot be ascertained. In response, applicants have amended claims 3, 5, 9, 11, 29, and 34-35 to delete the term "pharmaceutically acceptable derivative."

Accordingly, applicants request reconsideration and withdrawal of the rejections and objections in the instant case and respectfully request that the claims be deemed in condition for allowance.

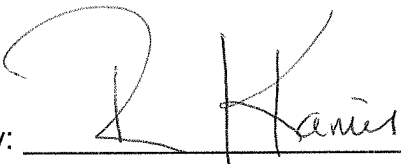
### **CONCLUSION**

Applicants believe that this application is now in condition for allowance.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number 030863-00003.

Respectfully submitted,

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